

If, in the opinion of the City Manager, a vacancy in the position could be filled better by an open, competitive examination instead of a closed, promotional examination, the Manager may call for applications for the vacancy and arrange for an open competitive examination, and for the preparation and certification of an eligible list.

## Section 12. Employment Lists

Employment lists shall become effective upon approval thereof by the City Manager. Employment lists shall remain in effect for one year, unless sooner exhausted, and may be extended prior to their expiration dates by action of the Personnel Board for additional six-month periods but in no event shall an employment list remain in effect for more than two years.

Original appointments can only be made from the list of eligible candidates on the employment list who are ready and willing to accept the position offered.

The name of any person on an employment list may be removed by the City Manager if the eligible person requests such removal in writing, if the candidate fails to respond to a written offer of employment within five business days next succeeding the mailing of notice, which shall be by registered mail, if a subsequent report of a background investigation shows that the person is unsatisfactory, or if the employee has been rejected for appointment three times. If a candidate indicates a desire not to be considered for appointment or for interview, the City Manager remove the name of the candidate from the employment list.

The names of persons on promotional employment lists who resign from the service may be dropped from such lists.

## Section 13. Layoff and Re-employment

### Section 13.1 Layoff

Whenever, in the judgment of the City Council, it becomes necessary to abolish positions, the City Council may abolish any position including those set forth in Appendix "A" of this Memorandum of Understanding, and the employee holding such position or employment may be laid off without the right of appeal. The City Manager may likewise lay off regular employees due to lack of work or funds.

In reduction of force, employees with the least length of service in the classification affected shall be laid-off first; provided, however, that any employee so laid off may elect to be reassigned to a directly related classification with an equal salary scale held by an employee with less service with the City if the senior employee is capable by training and experience of performing the work of the position. As used herein, the following groups of classifications shall be the only ones deemed to be directly related: (1) Accounting and Customer Service Representative I, II and III; (2) Maintenance Worker I and II; (3) Assistant Engineer and Associate Engineer; (4) Librarian I, Librarian II, Library Assistant I and Library Assistant II; (5) Administrative Assistant and Secretary.

When a senior employee is laid off from a classification not directly related to any other classification, such employee may, if the employee elected be assigned to a position in the Maintenance Worker classification held by an employee of less service with the City if the classification from which the senior employee was laid off is of a higher salary scale than that for Maintenance Worker. Such reassignment shall occur only in the event that the senior employee is capable by virtue of training and experience of performing the work of the Maintenance Worker classification.

An employee who is being laid off and who is in a classification due to a voluntary demotion from a higher classification as to which that employee had successfully completed the required probationary period may elect to be reassigned to such higher classification held by an employee with less service with the City.

### Section 13.2 Re-employment

In rehiring, the name of the employee last laid off within two years shall be placed at the head of an employment list for a position in the classification formerly held, and the employee shall be given preference in filling vacancies in that classification, and, if re-employed, shall be placed at the same step of the salary range previously held.

## Section 14. Resignation and Reinstatement

### Section 14.1 Resignation

An employee wishing to leave the competitive service in good standing shall file with the department head at least two weeks' notice of an intention to leave the service. The written resignation shall state the effective date and reason for leaving. The resignation shall be forwarded to the City Manager with a statement by the department head as to the resigned employee's service performance and other pertinent information concerning the cause for resignation.

### Section 14.2 Reinstatement

A permanent employee who has resigned in good standing may, with the approval of the City Manager, be reinstated to a vacant position of the same or similar classification as the previous position within a period of two years from the effective date of resignation. Reinstatement shall be made at the salary step recommended by the department head and approved by the City Manager, but shall not exceed the salary step held at the time the employee left City employment.

The reinstated employee may serve a designated probationary period for that classification prior to becoming a permanent employee regardless of the salary step at which the employee is reinstated.